

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILLIAM ELLENBERGER
PILOT ROCK, OREGON 97868

confirms the right to use the waters of BIRCH CREEK, a tributary of UMATILLA RIVER, for IRRIGATION OF 25.7 ACRES.

This right was perfected under Permit 12666. The date of priority is MAY 27, 1937. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.44 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE 1/4 NE 1/4, SECTION 17, TOWNSHIP 1 SOUTH, RANGE 32 EAST, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4 1/2 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

NE 1/4 NE 1/4	3.4 ACRES
NW 1/4 NE 1/4	14.0 ACRES
SW 1/4 NE 1/4	8.3 ACRES

SECTION 9

TOWNSHIP 1 SOUTH, RANGE 32 EAST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

THIS CERTIFICATE IS ISSUED TO CORRECTLY DESCRIBE THE RIGHT NOT MODIFIED BY AN ORDER OF THE WATER RESOURCES DIRECTOR ENTERED SEPTEMBER 12, 1997, AND SUPERSEDES CERTIFICATE 74763.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610, pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed December 10, 2002.


Paul R. Cleary



Recorded in State Record of Water Right Certificate Number 79753.

16906COR.SB